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I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE JUL 17 2003

Applicant: Jeffrey A. Hubbell, et al. Art Unit: 1651

Serial No.: 09/496,231

Examiner: L.B. Lankford

TECH CENTER 1600/2900

Filed: February 1, 2000

Customer No.: 21559

Title: BIOMATERIALS FORMED BY NUCLEOPHILIC ADDITION
REACTION TO CONJUGATED UNSATURATED GROUPS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Under 37 C.F.R. §§ 1.8(b) and 1.181, applicants hereby petition to have the Notice of Abandonment that was mailed in connection with the above-captioned case on June 17, 2003 withdrawn. A copy of the Notice is enclosed. According to the Notice, the application was abandoned under 37 C.F.R. § 1.135 for applicants' failure to reply to an Office action that was mailed on October 3, 2002. However, as explained below, a reply and a Petition for Extension of Time was timely filed on February 3, 2003.

The undersigned, applicants' attorney of record, first became aware of the abandonment on June 24, 2003, upon receipt of the Notice of Abandonment and submits

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that this petition to withdraw the Notice is being promptly submitted as required by 37 C.F.R. § 1.8(b)(1).

The following documents are submitted under 37 C.F.R. § 1.8(b)(2) as proof that a reply was timely filed on February 3, 2003:

1. A copy of the reply, including an executed certificate of mailing signed by Kristina Levites on February 3, 2003.
2. A copy of the Petition for Extension of Time, including an executed certificate of mailing, signed by Kristina Bieker-Brady on February 3, 2003, which extended the period for replying to the Office Action for one month, to and including February 3, 2003.
3. A copy of a check dated February 3, 2003 and postcard dated February 3, 2003 that were included with the reply and Petition for Extension.

Also enclosed are original signed declarations under 37 C.F.R. § 1.8(b)(3) by:

1. Kristina Bieker-Brady, attesting on the basis of personal knowledge that the above documents were timely filed on February 3, 2003.
2. Kristina Levites, attesting on the basis of personal knowledge to the mail procedures in effect on February 3, 2003.
3. Guy E. Beardsley, attesting on the basis of personal knowledge to the mail procedures in effect on February 3, 2003.

Applicants submit that the reply was timely filed and request that the Notice of Abandonment be withdrawn.

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In addition to the above documents, copies of a replacement Sequence Listing, Statement Under 37 C.F.R. § 1.825, and Sequence Diskette mailed with the Reply to Examiner's Action on February 3, 2003 are enclosed.

A replacement check in the amount of \$55.00 for the Petition for Extension of Time is also enclosed herewith.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Date: 8 July 2003

Respectfully submitted, *James D. DeCary*
for Reg. No. 43,580

Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

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